

REMARKS

Claims 1-34 are currently pending in the application. Applicant has added no new matter and the specification supports Applicant's amendments to independent claims 1 and 18.

Accordingly, Applicant requests reconsideration and withdrawal of the pending rejections in view of the accompanying remarks.

Acknowledgement of Cited Items

Applicant notes with appreciation the Examiner's consideration of the documents cited in the Information Disclosure Statement filed on November 13, 2006 by the return of the initialed and signed copy of the PTO-1449 Form accompanying the Information Disclosure Statement.

Amendment Fully Supported by the Original Disclosure

The above amendments add no new matter to the application, and the specification fully supports these amendments. Support exists in paragraph [0021] of Applicant's specification for amending independent claims 1 and 18 to include the following language:

and the one or more first connecting members and the one or more second connecting members are interleaved;

Interview with Examiner Kim M. Lewis

Applicant wishes to thank Examiner Lewis for her courtesy and cooperation during the interview conducted on June 8, 2007.

During the above-noted interview, Applicants' representative pointed out that a previous rejection under 35 USC 103(a) based on Applicant's own related patent, US Patent No. 6,329,564 ("Lebner '564"), in view of US Patent No. 5,263,970 ("Preller") had been overcome. Applicant, therefore, respectfully submitted that the presently outstanding rejection under 35 USC 103(a) based on US Patent No. 2,818,865 ("Jacoby") in view of Preller appeared to be less relevant than the prior, now-obviated

rejection. It was agreed that Applicants would present arguments similar to those previously successfully advanced.

Rejections Under 35 USC 103(a)

Claims 1-3, 5, 9, 10, 12, and 18 have been rejected under 35 USC 103(a) as being unpatentable over US Patent No. 2,818,865 ("Jacoby") in view of US Patent No. 5,263,970 ("Preller"). On page 3 of the Office Action, the Patent Office points out features of the presently claimed invention apparently disclosed in the cited Jacoby patent. Applicant respectfully traverses these assertions in view of the above-noted amendments and the following remarks.

The Office Action states the following assertion:

Jacoby fails to explicitly teach that the first and second components are transparent and inelastic. However, Preller teaches a wound closure device made of a substantially inelastic material (plastic) having at least semi-transparent first and second components in order to allow visualization of the wound during the closing process.

In an earlier Amendment filed on November 14, 2005 and received by the Patent Office on November 21, 2005, Applicant addressed this transparency deficiency in the cited art with regard to a 35 USC 103(a) rejection of Applicant's own related art, Lebner '564, in view of Preller. Applicant thus distinguished the present invention over Applicant's own related art in view of the Preller reference. Applicant herein applies the same argument to the current combination of cited references.

Strictly speaking, the above-noted description of the Preller teaching is inaccurate as Preller teaches a unitary device instead of a device having "first and second components" that are "separate and distinct." Applicant's independent claims as currently amended include a recitation of the fact that Applicant's first and second connecting members are interleaved, but it will be recognized that the first and second inelastic elements are separate and distinct.

That distinction notwithstanding, Applicant notes that the motivation specifically provided by Preller for the use of at least semitransparent material ("for rendering the wound visible through the dressing") is a requirement for the Preller device in that during the application process the wound is not otherwise visible through the unitary device which completely blocks the wound from view.

This requirement, and the underlying motivation, is inapplicable to Applicant's invention as the wound is visible between Applicant's two components - before, during

and after the closing process. Thus, one of skill in the art faced with the problem of improving the Jacoby device would not look to, or be motivated by, the teaching of Preller. With respect to the ability to view the wound during the closure process, Preller represents non-analogous art. Applicant notes that this rejection has been addressed at the independent claim level and, therefore, the argument applies with equal weight to specifically stated grounds of rejection directed toward Applicant's dependent claims.

Claims 3, 4, 6-8, 11, 13-17 and 19-34 have been rejected under 35 USC 103(a) as being unpatentable over US Patent No. 2,818,865 ("Jacoby") in view of US Patent No. 5,263,970 ("Preller") and in further view of US Patent No. 6,329,564 ("Lebner '564"). As explained above, neither Jacoby nor Preller teach at least the transparency limitation of Applicant's independent claims, from which the presently rejected claims depend. Lebner '564 fails to cure this deficiency. On page 5 of an office action in the present case that mailed on June 14, 2005, that Patent Office stated the following with regard to Lebner '564:

Lebner fails to explicitly teach that the first and second components are transparent. However, Preller teaches a wound closure device having at least semi-transparent first and second components in order to allow visualization of the wound during the closing process.

Applicant agrees with the Patent Office that Lebner '564 fails to teach that the first and second components are transparent and respectfully requests withdrawal of the present rejection. Applicant notes that this rejection has been addressed at the independent claim level and, therefore, the argument applies with equal weight to specifically stated grounds of rejection directed toward Applicant's dependent claims.

Summary

Applicant submits that the instant amendment does not raise any new issues for consideration by the Examiner or any questions of new matter. In light of the above amendment, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested. Any deficiency or overpayment should be charged or credited to Deposit Account No. 500282.

Respectfully submitted,



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